

In The Matter Of: )  
 )  
Creation Of ) FCC Docket RM-11287  
A Low Power AM )  
Radio Service )

within these Joint Reply Comments.

This new, substitute proposal is being late-filed because the parties involved have

needed time to negotiate the differences which previously divided them.

Now they are agreed on a new proposal, with two new advantages:

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- (1) The new proposal has been streamlined, making administration of it, and compliance with it, much simpler.

*And*

- (2) The new proposal reflects absolute unanimity, on essentially every issue, among all nationally active advocates of a Low Power AM Radio Service.

Both the Joint Reply Comments and the Motion are being filed by all 12 of the

nationally active advocates of a new Low Power AM Radio Service. These 12 parties

-- consisting of 9 institutions and 3 individuals -- have all submitted at least one

filing into the record of FCC Docket RM-11287.

Joining in the Joint Reply Comments and the Motion are 8 additional parties,

including 2 LPFM broadcasters, 1 aspiring LPFM broadcaster, 1 aspiring LPAM

broadcaster and 4 civic-minded individuals who support a freer flow of ideas and

information throughout our representative democracy.

The new LPAM proposal follows the list of signatories of these Joint Reply

Comments.

We urge the Commission to adopt this new LPAM proposal as its basis for a

proposed rule to establish a new Low Power AM Radio Service.

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Respectfully submitted,

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Donald Joseph Schellhardt

I, Donald Joseph Schellhardt, Esquire, certify that copies of this document are being sent, via E-Mail and/or U.S. Postal Service First Class Mail, to all parties who have participated in FCC Docket RM-11287.

Dated: \_\_\_\_\_

April 28, 2006

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A REVISED PROPOSAL TO THE FCC



## FOR A LOW POWER AM RADIO SERVICE

Presented by the 5 Original LPAM Petitioners in FCC Docket RM-11287:

THE AMHERST ALLIANCE of Michigan  
THE MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN of Michigan  
THE LPAM NETWORK of New York State  
DON SCHELLHARDT, ESQUIRE of Virginia  
NICKOLAUS E. LEGGETT N3NL of Virginia

*And* by 7 additional LPAM-oriented parties,  
all of whom have filed Written Comments in FCC Docket RM-11287:

FRED C. BAUMGARTNER, C.P.B.E. of Colorado  
RADIO READY TO GROW of Washington State  
EAST HILL RADIO of Washington State  
TALK RADIO OF PAHRUMP of Nevada  
DELTA STAR RADIO of Florida [per Alan McCall]  
TUNETRACKER SYSTEMS of Wisconsin  
REC NETWORKS of Arizona

With endorsements from the following 8 parties:

KZQX-LP of Texas  
WILLIAM DOERNER, formerly of KPIB-LP, of Texas  
PROVIDENCE COMMUNITY RADIO of Rhode Island  
DEAN GASTON of California  
WENDY SCHNEGG of California  
MARK SCHNEGG of California  
MELISSA LEAR of New York State  
RAIN MADELINE BURROUGHS of Virginia

### Background

The 5 parties to the Low Power AM Petition For Rulemaking, in Docket RM-12287, are submitting this Revised LPAM Proposal to the FCC as an “amendment in the nature of a substitute” to their own Petition. That is: They are asking the FCC to consider this new proposal in place of the proposal embodied in their original Petition.

The new LPAM proposal is a major improvement in at least 2 respects:

1. *The new proposal reflects total agreement, among all 5 Petitioners, on all LPAM issues, including power levels and interference prevention measures.*
2. *In the interest of fostering administrative simplicity, the new proposal has been made less complicated, reducing the administrative load for both the FCC and future LPAM applicants and/or licensees.*

The 5 LPAM Petitioners are joined in their request by 7 nationally active LPAM advocates who filed Written Comments, in support of the LPAM Radio Service, in Docket RM-11287. One of these organizations, the newly formed RADIO READY TO GROW (RRTG), has filed a separate but related Petition For Rulemaking -- urging the Federal Communications Commission (FCC) to raise to 1 watt the maximum power level for legally unlicensed, neighborhood-sized Part 15 AM stations.

These 12 parties encompass *all* of the nationally active entities who filed Written Comments, supporting a Low Power AM Radio Service for the U.S.A., in FCC Docket RM-11287. Thus, the new proposal represents a *community-wide consensus* on how the new LPAM Radio Service should be structured.

11 of the 12 parties continue to call for a Commission policy of allowing LPAM stations to air commercials. The one exception is REC NETWORKS of Arizona.

On every other issue discussed below, there is *absolute unanimity* among the 12 parties.

The 11 parties are joined in this unanimity by 8 other parties, all of them committed to the preservation and growth of Low Power Radio. Included are CHUCK CONRAD of Texas, General Manager of KZQX-LP, and WILLIAM C. DOERNER of Texas, former General Manager of KPIB-LP. DEAN GASTON of California, an aspiring LPAM broadcaster, and PROVIDENCE COMMUNITY RADIO of Rhode Island, a current applicant for an LPFM license, also endorse the new LPAM proposal. Other endorsers of the LPAM proposal are committed individuals: MELISSA LEAR of New York State (former WebMaster for THE NATIONAL ANTENNA CONSORTIUM), WENDY AND MARK SCHNEGG of California and RAIN MADELINE BURROUGHS of Virginia.

### Proposed Power Levels

We accept the concept of power levels for LPAM stations that are uniform in all locations.

In order to maximize the administrative convenience for all affected parties (including ourselves), we recommend that the new LPAM stations should be based, to the maximum extent practical, on the FCC's specifications for current Travelers' Information Service [TIS] stations.

To this end, we recommend power levels of 10 watts, 24/7. We also recommend adoption of the TIS maximum antenna height of 15 meters (which, obviously, may be lower if circumstances dictate) and the use of TIS-certified equipment.

The maximum practical use of TIS specifications should enable both the FCC and the LPAM community to draw upon designs and data that already exist.

As an additional benefit:

Limiting LPAM power levels to 10 watts, and maximum antenna heights to 15 meters, should maximize the ability to site LPAM stations in large urban areas, or other locations where spectrum congestion is severe.

### Proposed Measures To Prevent Interference With Other Stations

To protect against any significant risk of interference with established radio stations,  
we advocate the following policies:

- (a) The actual power levels for LPAM stations should be multiplied by a factor of at least 3 for purposes of spectrum allocation planning.
- (b) In order to further reduce possible interference, the FCC should ban  
the use of horizontal antennas by LPAM licensees.

(c) In addition, the FCC should not consider placing LPAM stations outside the Expanded Band -- that is, below 1620 AM -- until and unless it has acquired a substantial body of actual experience with regulating LPAM.

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Proposed Requirements for License Eligibility  
and Consideration of Mutually Exclusive License Applications

We urge the FCC to retain the restriction, present in the current Low Power FM (LPFM) regulations, that bars any established broadcaster from acquiring any financial interest in any Low Power Radio station.

However:

We urge the FCC to avoid the airtight bias against newcomers that is present in the LPFM license eligibility requirements. If individuals wish to form and register a new non-profit organization or small corporation for the sole purpose of seeking an LPAM license, they should not be barred from doing so or penalized for doing so.

The FCC should carry over only a modified version of the “bonus point” that it presently awards, in the case of mutually exclusive LPFM license applications, to applicants with “a history of community service in a particular local area”. This standard should be changed to “a high potential for contributions to the local community in the future”. Any record of community service in the past should be considered, but only as one element in determining the overall potential for contributions to a community in the future. Further, past community service in any location should be considered.

The competitive selection process should include a review of records of past community service, but should not be limited to it. The process should not operate, as it does with LPFM, to bar applicants who are recently incorporated and/or new residents of an area.

While tying the community service bonus point much less tightly to a record of community service experience, the FCC should initiate an LPAM bonus point for a record of radio broadcasting experience. LPAM applicants should receive a bonus point if their proposed staff includes individuals with a combined total of at least 5 years in radio broadcasting. For this purpose, a diverse range of qualifying experience should be considered, ranging from a Part 15 AM station to a 50,000 watt FM “blowtorch”.

As a matter of fundamental fairness, we also urge establishment of an LPAM bonus point for applicants who:

(a) Were once licensed as a Low Power FM station or a Class D educational station;

but

(b) Were displaced by an upgraded and/or relocating full power station.

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In structuring the new LPAM Radio Service, the FCC should also avoid the pointless deadlocks which have developed when competing LPFM applicants have an identical total of “points”. In both of the Low Power Radio Services, the FCC needs to fill the vacuum created by the absence of any dispute resolution mechanism for such cases.

Ideally, we prefer a formula or mechanism that explicitly considers which station(s) can best serve “the public interest”. Still, even a random mechanism -- holding a lottery, or flipping a coin -- would be better than simply keeping all the applicants Off The Air.

In addition, while LPFM applicants are presently limited to “one station per owner”, we ask the FCC to limit LPAM applicants to “one station per owner” in any given Metropolitan Statistical Area (MSA) or Micropolitan Statistical Area (Micro SSA).

To foster “administrative simplicity”, there should be no ceiling on the number of stations an LPAM applicant can own and operate nationwide. With this policy, the FCC will only have to concern itself with whether a particular LPAM applicant owns another station in the same metropolitan or micropolitan area.

Further, we ask the FCC to carry over only a modified version of the residency requirement that currently applies to LPFM stations. To facilitate the growth of rural LPAM stations, this limit should be raised from 10 to 25 miles. Those who own multiple LPAM stations should be required to live within 25 miles of one of them.

### Proposed Operational Requirements

LPAM licensees should be allowed to operate on a 24/7 basis.

LPAM licensees should be allowed to engage in voluntary time-sharing arrangements, but such arrangements should not be mandated by the FCC.

LPAM licensees should be permitted -- not required, but permitted -- to utilize “capacitance hats”. Loading coils and ground systems should also be permitted.

### *Proposals Being Dropped Completely From The Earlier LPAM Petition*

*DROPPED COMPLETELY: The FCC should establish and enforce requirements to put a fence, with a perimeter of at least 3 feet, around LPAM transmission facilities -- and to post warning signs as well.*

*DROPPED COMPLETELY: After 3 years of licensed LPAM operations, the Commission should conduct an automatic review of power levels and interference prevention requirements.*

*DROPPED COMPLETELY: In opening filing windows for LPAM license applications, the FCC should act first in areas which have few openings (if any) for LPFM stations.*

April 28, 2006

Submitted To The FCC By  
ALL Nationally Active LPAM Advocates  
... And Others